

Santee Municipal Code

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Chapter 11.40 EXCAVATION AND GRADING

Article 1. General Provisions

11.40.010 Title.

This chapter is known as the City's "Grading Ordinance." (Ord. 564 § 3, 2019)

11.40.020 Purpose.

This chapter:

- A. Establishes minimum requirements for grading, excavating and filling of land;
- B. Provides for the issuance of permits for grading, excavating and filling of land;
- C. Provides for the enforcement of its provisions;
- D. Supplements the subdivision and zoning code of the City; and
- E. Must be read and construed as an integral part of the subdivision and zoning codes regulations and the land development patterns and controls established thereby. (Ord. 564 § 3, 2019)

11.40.030 Intent.

The intent of the City Council in adopting the grading code is to protect life and property, promote the general welfare, enhance and improve the physical environment of the community, and preserve and protect the natural scenic character of the City. In administering these provisions, the following goals are established:

- A. Ensure that future development of land occurs in the manner most compatible with surrounding natural areas to have the least adverse effect upon other persons, land, or the general public;
- B. Ensure that soil will not be stripped and removed from lands leaving barren, unsightly, unproductive land subject to erosion, subsidence and faulty drainage;
- C. Encourage design and development of building sites to provide the maximum in safety and human enjoyment, while adapting development to and taking advantage of the natural terrain; and minimizing adverse visual impacts caused by major land form modifications;
- D. Encourage and direct special attention toward retaining natural plantings and maximum number of existing trees;
- E. Ensure that the objectives and policies of the adopted General Plan for the City are met and that the grading guidelines expressed therein are maintained. (Ord. 564 § 3, 2019)

11.40.040 Provisions separate from other requirements.

- A. Nothing in this chapter precludes the inclusion of any condition, provision or requirement concerning the grading of land in any zoning permit, subdivision approval, waiver, review or other approval issued or approved pursuant to City ordinances.
- B. Nothing in this chapter precludes the requirement for the owner or applicant to obtain any other permit or approval required by the City Engineer or by law from any public or private party or agency.
- C. Nothing in this chapter changes the requirements of any other provision of this code requiring permits, fees or other charges, or any provisions concerning the granting of franchises by any other person, body or agency. (Ord. 564 § 3, 2019)

11.40.050 Definitions.

In this chapter the following definitions apply:

“Approval” means a written professional opinion by the responsible principal of record concerning the satisfactory progress and completion of the work under his or her purview unless it specifically refers to the City Engineer.

“Approved plans” means the most current grading plans which bear the signature or stamp of approval of the City Engineer.

“Archaeologist” means a person who does scientific study of material remains of past human life and activity.

“As-graded” means the surface and subsurface conditions and configuration upon completion of grading.

“Bedrock” means in-place solid rock.

“Bench” means a relatively level step excavated into earth material on which fill is to be placed.

“Borrow” means earth material acquired from an off-site location for use in grading on a site.

“Borrow pit” means premises from which soil, sand, gravel, decomposed granite or rock are removed for any purpose.

“Borrow pitting” means excavation created by the surface mining of rock, unconsolidated geological deposits, or soil to provide material (borrow) for fill elsewhere.

“Building pad” means that portion of an embankment and/or excavation contained within an area bounded by a line five feet outside the foundation footing for a building.

“Building site” means that portion of an embankment and/or excavation containing the building pad(s) and lying within an area bounded by the top of slopes and/or toe of slopes within the lot or parcel.

“Certify” or “certification” means a signed written statement that the specific inspections and tests required have been performed and that the works comply with the applicable requirements of this chapter, the plans and the permit.

“Civil engineer” means a professional engineer registered in the State to practice in the field of civil engineering.

“Civil engineering” means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials for evaluation, design and construction of civil works for the beneficial uses of the population.

“Clearing” and “brushing” means the removal of vegetation (grass, brush, trees and similar plant types) above the natural surface of the ground.

“Compaction” means densification of a soil or rock fill by mechanical or other acceptable procedures.

“Contour grading” means grading which creates, or results in, land surfaces which reflect the pre-graded natural terrain or that simulates natural terrain, i.e., rounded nonplanar surfaces and rounded, nonangular intersections between surfaces.

“Contractor” means a contractor licensed by the State to do work under this chapter. A contractor may be authorized to act for a property owner in doing such work.

“Design and development standards” means the standards published by the City for land development activities, which standards may be published in a single document, or a combination of documents, and may be updated as needed to comply with industry practice or changes in the law.

“Earth material” means any rock, natural soil, or fill and/or any combination thereof.

“Embankment” or “fill” is any act by which earth, land, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and the condition resulting therefrom.

“Engineering geologic report” means a report prepared under the supervision of an engineering geologist providing a geological map of a site, information on geologic measurements and exploration performed on the site and surrounding area and, providing recommendations for remedial measures necessary to provide a geologically stable site for its intended use.

“Engineering geologist” means a certified “engineering geologist,” registered by the State to practice engineering geology.

“Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

Engineer, Private. “Private engineer” means a civil engineer registered by the State. A private engineer may be authorized to act for a property owner in doing work covered by this chapter.

“Erosion” means the process by which the ground surface is worn away by the action of water or wind.

“Erosion control system” means any combination of desilting facilities, retarding basins, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities and receiving waters from the deposition of sediment or dust.

“Expansive soil” means any soil with an expansion index greater than 20, as determined by the Expansive Soil Index Tests (UBC Std. 29-32).

“Exploration” or “prospecting” means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quantity of minerals present.

“Excavation” or “cut” means any earth, sand, gravel, rock or other similar material which is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed by people and the conditions resulting therefrom.

“Fault” means a fracture in the earth’s crust along which movement has occurred. An active fault is one that exhibits separation in historic time or along which separation of Holocene deposits can be demonstrated. If Holocene deposits are not offset, but numerous epicenters have been recorded on or in close proximity to the fault, a classification of active may be used.

Fill, Nonstructural. “Nonstructural fill” means any embankment on which no soil testing was performed or no compaction reports or other soil reports were prepared or submitted.

“Geologic hazard” means any geologic feature capable of producing structural damage or physical injury. Geologic hazards include:

1. Landslides and potential slope instabilities resulting from bedding faults, weak claystone beds, and oversteepened slopes;
2. Deposits potentially subject to liquefaction, seismically-induced settlement, severe ground shaking, surface rupture, debris flows, or rock falls resulting from fault activity;
3. Deposits subject to seepage conditions or high groundwater table.

“Geotechnical report” means a report which contains all appropriate soil engineering, geologic, geohydrologic, and seismic information, evaluation, recommendations and findings. This type of report combines both engineering geology and soil engineering reports.

“Grade” means the elevation and cross-sections established for the finished surface. All grades must be based upon the official datum of the City.

“Grading” means any excavating or filling or combination thereof.

“Grading permit” means a permit issued pursuant to this chapter.

“Grubbing” means the removal of roots and stumps.

“Key” means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

“Land development” means making excavations and embankments on private property and the construction of slopes, drainage structures, fences and other facilities incidental thereto.

“Landscape architect” means a landscape architect, registered by the State, who performs professional work in physical land planning and integrated land development, including the design of landscape planting programs.

“Landslide” means the downward and outward movement of soil, sand, gravel, rock or fill or a combination thereof.

“Mined lands” includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

“Minerals” are any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to aggregate, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

“Mining waste” includes the residuals of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other material or property directly resulting from or displaced by, surface mining operations.

“Natural terrain” means the lay of the land prior to any grading.

“On-site construction” means those earth material moving activities (such as excavation, grading, compaction, and the creation of fills and embankments) which are required to prepare a site for construction of structures, landscaping, or other land improvements if resultant excavations, fills, grades, or embankments are beneficially modified by such construction of structures, landscaping or other land improvements. Excavations, fills, grades or embankments that of themselves constitute engineered works such as dams, road cuts, fills, catchment basins, or levees are not considered to be surface mining operations. Earth material moving activities in areas either on or off-site where the results are modified by construction of structures, landscaping or other land improvements, and that do not of themselves consist of land improvements, and that do not of themselves consist of engineered works are deemed to be surface mining operations unless exempted under the Surface Mining and Reclamation Act.

“Operator” means any person who is engaged in grading operations him or herself, or who contracts with others to conduct operations on his or her behalf.

“Overburden” means soil, rock or other materials that lie above a natural deposit or in between deposits, before or after their removal.

“Owner” means any person, agency, firm or corporation having a legal, possessory or equitable interest in a given piece of real property.

“Paleontologist” means a person who holds an advanced degree, who is affiliated with a recognized institution such as a museum or university and who is actively engaged in the research of prehistoric life through the study of plant and animal fossils.

“Paving” means all paving related operations such as surfacing, resurfacing, curbs, gutters, sidewalks, and ramps or as otherwise described within the City’s Best Management Practices Design Manual, Priority Development Categories.

“Permittee” means any person to whom a permit is issued pursuant to this chapter.

“Planning Director” means the Director of Development Services or a duly authorized representative.

“Preliminary soil engineering report,” also referred to as “preliminary geotechnical investigation report” means a report prepared under the responsible supervision of a soil engineer which includes preliminary information concerning engineering properties of soil and rock on a site prior to grading, describing locations of these materials and providing recommendations for preparation of the site for its intended use.

“Premises” means contiguous property in the same ownership.

“Property owner” means the owner, subdivider or developer of real property which will be benefited by the proposed land development work.

Property, Public. “Public property” means property owned in fee by the City, or dedicated for public use.

“Public interest slope” means any manufactured slope which meets any one of the following criteria:

1. A vertical height in excess of 15 feet;
2. A vertical height in excess of five feet located on the exterior of a subdivision and exposed to view from any point outside the subdivision;
3. A vertical height in excess of five feet which will be visible after completion of the buildings to be placed on the subject graded area from any circulation element road, from any existing or proposed public buildings, public facility, or publicly used property, from any private property two streets or more away from the slope in question or from any private homes existing at the time of creation of the slope;
4. Any slope in the hillside overlay zone.

“Publicly used property” means property that is used frequently by persons other than the residents and/or owners.

“Public rights-of-way” means public easements or dedications for streets, alleys, drainageways and/or other uses.

“Reclamation” means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health and safety, and is consistent with the General Plan, zoning ordinance and applicable specific plans. The process may extend to affected land and surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

“Relative compaction” means the in-place dry density (determined by ASTM D1556, or other City Engineer approved equal) expressed as a percentage of the maximum dry density (determined by ASTM D1557, or other City Engineer approved equal).

“Retaining wall” means a wall designed to resist the lateral displacement of soil or other materials.

“Rough grading” means the condition where ground surface approximately conforms to the design grade, generally within 0.1 feet, and all compaction of fills and embankments have been performed to the specifications required by the soil engineer.

“Slope” means the inclined exposed surface of a fill, excavation of natural terrain.

“Soil” means earth material of whatever origin, overlying bedrock and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

“Soil engineer” means a registered civil engineer who holds a valid authorization to use the title “soil engineer” as provided in Section 6736.1 of the California Business and Professions Code. The terms “geotechnical engineer,” “soils engineer” and “soil and foundation engineer” are deemed to be synonymous with the term “soil engineer.”

“Soil engineering” means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

“Soil engineering report” means a report prepared under the responsible supervision of a soil engineer which includes information on site preparation, slope heights and gradients, compaction of fills placed, placement of rock, treatment of expansive soils, providing recommendations for structural design and approving the site for its intended use.

“Stockpile” means a temporary, uncompacted fill or embankment placed by artificial means, which is designated or intended to be moved, or relocated at a later date.

“Subdivider” means a person, firm, corporation, partnership or association who causes land to be divided into one or more lots or parcels for him or herself or others as defined by those sections of the Government Code known as the Subdivision Map Act.

“Substantial conformance” means grading that conforms to Section 11.40.390 of this chapter.

“Suitable material” means any soil or earth material which, under the criteria of this chapter or under the criteria of an approved geotechnical report, is suitable for use as fill or for other intended purposes.

“Surface mining operations” means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to:

1. Borrow pitting, streambed skimming, segregation, and stockpiling of mined materials;
2. In-place distillation, retorting or leaching;
3. The production and disposal of mining wastes;
4. Prospecting and exploratory activities.

“Terrace” means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

“Unsuitable materials” means any soil or earth material having properties or characteristics which, under the criteria of this chapter or under the criteria contained in any approved geotechnical report, make it unsuitable for use as fill or for any other intended use. These properties or characteristics include, but are not limited to, organic content of the material exceeding three percent, rock diameters exceeding eight inches, the presence of concrete or asphalt, or

the presence of expansive soils within three feet of finish grade of any area intended or designed as a location for a building. (Ord. 564 § 3, 2019)

Article 2. Permits and Fees

11.40.100 Land development work—Permit required.

- A. Except as exempted in Section 11.40.105, it is unlawful for any person to do any grading or allow any grading on their property unless the person or owner has a valid grading permit issued by the City Engineer authorizing such grading.
- B. An owner is presumed to have allowed grading which has been done on property occupied by him/her or is under his or her dominion and control. This presumption is a presumption affecting the burden of producing evidence.
- C. A separate grading permit is required for each legal parcel, noncontiguous site, development, or each separate subdivision final map for which grading is to be performed.
- D. A grading permit is required for all grading done for the growing of agricultural plants or raising agricultural animals.
- E. A grading permit is required for the construction of any retaining wall on or within five feet of any property line. (Ord. 564 § 3, 2019)

11.40.105 Designated exceptions.

The following grading activities are exempt from the requirement to obtain a grading permit under the provisions of this chapter:

- A. Depositing materials in any disposal area operated by or licensed by the City or the County.
- B. Grading which meets all of the following limitations:
 - 1. Is on a single legal lot or contiguous ownership;
 - 2. Involves the movement of not more than 200 cubic yards of earth;
 - 3. The cut in the cut area and/or the fill in the fill area, at their deepest points, do not exceed a depth of five feet in vertical depth measured from the original ground;
 - 4. The fill is not intended to support structures;
 - 5. The finished cut and/or fill slopes are not steeper than two horizontal to one vertical (2:1);
 - 6. The finished grading does not alter the drainage patterns either upstream or downstream from the grading;
 - 7. None of the fill is placed on existing ground having a slope steeper than five horizontal to one vertical (5:1), which is a 20% slope;
 - 8. None of the grading is closer than five feet to adjacent parcel; and
 - 9. The finished slopes are protected from erosion and the downstream properties are protected from siltation resulting from the grading.
- C. Any of the following, if authorized by a valid building permit approved and issued by the Planning Director and provided that any embankment constructed with the excess material from the excavation is disposed of under an approved grading permit or on site without creating embankments more than five feet in unsupported height:
 - 1. Excavation below finish grade for basements;
 - 2. Footings or foundations for buildings, manufactured homes, retaining walls or other structures;
 - 3. Swimming pools, septic tanks, leach lines, or other subsurface structures or facilities.
- D. Exploratory excavations under the direction of a soil engineer, archaeologist, paleontologist or engineering geologist. Such excavations must be properly backfilled and compacted or otherwise restored.
- E. When approved by the City Engineer, excavation for the sole purpose of recompaction as specified or recommended by an approved soils report.

- F. Grading for which inspection is provided by the City and which is done by a developer or contractor pursuant to City-approved improvement plans within public rights-of-way and adjacent slope rights areas independent of adjacent land development work, or grading done pursuant to a permit for excavation in public streets.
- G. Except as provided in the following subsections, clearing and brushing when directed by the Fire Chief to mitigate a fire hazard, with the concurrence of the Planning Director that such clearing and brushing will not cause significant damage to any rare, endangered or protected species of plant or wildlife or cause any significant damage to any habitat of any rare, endangered or protected species of wildlife. The exemptions in this section do not apply to clearing, grubbing, brushing or grading when:
1. Grading will occur in or physically impact designated or dedicated open space or environmentally sensitive areas designated in the General Plan or shown on any approved specific plan;
 2. Grading will occur in any waterway or wetland, stream, river, channel, pond, lake, marsh, bog, lagoon, vernal pool or riparian habitat;
 3. Grading will occur in any floodway or floodplain as shown on the San Diego County floodplain maps or on City revised maps;
 4. Grading will occur in any officially mapped area in high geologic risk zone (Zone "C" and "D") as defined by the geotechnical/seismic study for the General Plan;
 5. Grading will occur in the hillside overlay district; or
 6. Grading will occur in any other sensitive areas such as archaeological sites, historical sites or burial grounds.
- H. Paving related activity disturbing less than 5,000 square feet. (Ord. 564 § 3, 2019)

11.40.110 Permit applications.

- A. The owner, or owner's authorized agent, of any property that requires a grading permit under this chapter must sign and submit a grading permit application on a form approved by the City Engineer.
- B. A separate grading permit application is required for each grading permit.
- C. A complete grading permit must include following items, unless otherwise waived or specified by the City Engineer, or this chapter:
1. Grading plan pursuant to Section 11.40.120;
 2. Separate plot plan pursuant to Section 11.40.125;
 3. Preliminary soil engineering report pursuant to Section 11.40.130;
 4. Landscape and irrigation plans (may be submitted with the second plan check submittal) pursuant to Section 11.40.135;
 5. Erosion control plans, if required by Section 11.40.140;
 6. Drainage study;
 7. Haul route, including source of borrow or disposal;
 8. Grading plan check fee pursuant to Sections 11.40.215 and 11.40.220;
 9. Soil engineering report review fee pursuant to Section 11.40.225;
 10. Deposit for independent third party review of soil report, if required, pursuant to Section 11.40.225;
 11. Inspection fees (may be paid at any time prior to issuance of permit) pursuant to Section 11.40.230;
 12. Proof of legal lot (may be waived by the City Engineer if grading is pursuant to an approved tentative map or zoning permit);
 13. Computer graphics of existing and graded conditions, and/or other displays;
 14. Plans, specifications and other supplemental data, as specified in this chapter, the design and development manual and the subdivision ordinance.

D. A complete grading permit application must be submitted for City review and approval along with the following items:

1. Paving Plan. Paving demonstrating that the paving will not alter the existing drainage conditions of the site, redirect drainage onto another property where it did not previously occur, or will comply with all City requirements related to alterations of drainage conditions.
2. Grading plans.
3. Stormwater intake form.
4. Priority development or standard development stormwater quality management plan (as determined by completing the stormwater intake form).
5. Schedule for work.
6. Best management practices plan sheet.
7. Engineer's estimate.

E. The City Engineer may require additional data or information, eliminate, or modify any of the above requirements, including those items in Section 11.40.115.

F. Any change in application requirements or applicable fees that is effective before a grading permit is issued applies to any pending application for a grading permit under the following conditions:

1. A change of policy or direction by the City Council;
2. A change in the applicable laws, including the grading ordinance or fee schedule approved by the City Council;
3. Discovery that the plans, application, or fees violate or do not meet existing laws, ordinances, or policies or conform to the requirements of other permits or approvals, such as zoning permits or subdivision maps;
4. Discovery of any design defect, soil or geologic hazard, or any other fact or item which, if left unchanged, could cause damage, harm or hazard to public or private properties, or to life, limb or the general public's safety or welfare.

If, as a result of discoveries described in subdivisions 3 and 4 of this subsection, changes are directed, the application expiration date will be extended for 30 days, or for such other time as the City Engineer grants to accomplish all required changes.

G. The time limits set out in this section apply to all grading plans and applications. (Ord. 564 § 3, 2019)

11.40.115 Additional information.

In addition to the application requirements of Section 11.40.110, the City Engineer may require submission of any or all of the following items as part of a grading permit application:

- A. Special erosion control plans, including landscape and irrigation plans, erosion and sediment control plans, and stormwater pollution prevention plans;
- B. Hydrology and hydraulic reports;
- C. Application for environmental initial study (AEIS);
- D. Geotechnical reports on seismicity and geology;
- E. Letters of permission from adjacent owners or easement holders to grade off-site or on easements;
- F. Right of entry;
- G. Waiver and release to divert or concentrate drainage affecting downstream off-site property;
- H. Easement and flowage rights documents.

Recommendations included in such reports and plans accepted by the City Engineer become part of and are incorporated into the grading plan, landscape and irrigation plan and the land development specifications. (Ord. 564 § 3, 2019)

11.40.120 Grading and paving plan requirements.

- A. Grading and paving plans required by this chapter must be prepared and submitted with the grading permit application in accordance with the design and development standards approved by the City Engineer and available from the Department of Development Services.
- B. All grading and paving plans must be signed by a registered civil engineer and by the soil engineer. The City Engineer may waive this requirement when the proposed grading or paving is on a single lot or parcel not proposed for further subdivision and, in the opinion of the City Engineer, the proposed grading entails no hazard to any adjacent property, does not necessitate construction of extensive drainage structures or erosion control facilities, and does not interfere in any way with existing natural or improved drainage courses or channels.
- C. In addition to any other grounds for stopping work provided by law or set forth in this code, the City Engineer may stop work and require amendment or change of approved grading, paving, erosion control or landscape and irrigation plans for any of the following reasons:
1. Extension or renewal of the grading permits;
 2. Changes have been made in the actual work which are not reflected on the approved plans;
 3. The scope or quantity of grading or paving has been changed;
 4. Construction, traffic, drainage, soil, geologic, public safety or environmental problems not considered, known, or evident at the time of permit issuance or plan approval become evident. (Ord. 564 § 3, 2019)

11.40.125 Plot plans.

Each separate plot plan required by this chapter must show the location of the land development boundaries, lot lines, public and private rights-of-way lines, and precise grading information required by the City's design and development standards. A print of the approved tentative map or tentative parcel map showing the required information may be submitted in lieu of a plot plan. (Ord. 564 § 3, 2019)

11.40.130 Preliminary soil engineering and geology reports.

- A. Three copies of a preliminary soils engineering report required by this chapter must be submitted with the application for a grading permit. Each soil engineering report must be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report must include the following, at a minimum:
1. Information and data regarding the nature, distribution, and the physical and chemical properties of existing soils;
 2. Location of faults as defined by a registered geologist or certified engineering geologist;
 3. Conclusions as to the adequacy of the site for the proposed grading;
 4. Recommendations for general and corrective grading procedures;
 5. Foundation design criteria;
 6. Slope gradient, height and benching, or terracing recommendations;
 7. The potential for groundwater and seepage conditions and procedures for mitigation of the groundwater-related problems;
 8. For all slopes in the Friars Formation, regardless of the slope ratio, a slope stability analyses and a written statement indicating acceptable slope stability;
 9. Other recommendations, as necessary, commensurate with the project grading and development.
- B. The soil engineer and engineering geologist should refer to Safety Element of the Santee General Plan and any modification, amendment, or reissuance in preparing the reports required by this section.
- C. Recommendations contained in the approved reports become part of and are incorporated into the grading plans and specifications and become conditions of the grading permit.
- D. Preliminary geological investigations and reports are required for all land development projects designated as Group I or Group II, except those Group II projects located in Zone "A" as shown on Figure 8-3, Seismic Hazards

and Study Areas Map (for which a geological reconnaissance will be required), as outlined in Table 8.1 of the City General Plan. This requirement may be extended to adjacent properties where known or reasonably inferred instability may adversely affect the property. The preliminary geological investigation report must include the following at a minimum:

1. A comprehensive description of the site topography and geology including, where necessary, a geology map;
 2. A statement as to the adequacy of the proposed development from an engineering geologic standpoint;
 3. A statement as to the extent that known or reasonably inferred stability on adjacent properties may adversely affect the project;
 4. A description of the field investigation and findings;
 5. Conclusions regarding the effects geologic conditions will have on the proposed development;
 6. Specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development;
 7. Provide other recommendations, as necessary, commensurate with the project grading and development.
- E. The preliminary geological investigation report may be combined with the preliminary soils engineering report.
- F. A seismicity study and report is required for all land development projects designated as Group I and for those designated as Group II and located in Zone “C” shown on Figure 8-3, Seismic Hazards and Study Areas Map, of the City General Plan. The report must be prepared by an engineering geologist or a soil engineer with expertise in earthquake technology and its application to buildings and other civil engineering works. The seismic report may be combined with the soil and geologic investigation reports. (Ord. 564 § 3, 2019)

11.40.135 Landscape and irrigation plans.

- A. Landscaping and irrigation facilities are required for all public interest slopes, all graded slopes higher than three feet, and all graded areas determined by the City Engineer to be susceptible to erosion within all residential, commercial and industrial development, subdivisions, borrow areas, disposal areas, and other graded areas. The City Engineer may waive or amend this requirement, if such waiver or amendment does not conflict with a subdivision or zoning permit. Landscape and irrigation plans and specifications must maximize the use of drought resistant plants and provide for water conservation measures throughout the planting, irrigation and maintenance plans and specifications.
- B. The landscape and irrigation plan required by this chapter must be prepared and signed by a landscape architect, unless this requirement is waived by the City Engineer, if such waiver or amendment would not be in conflict with a subdivision or zoning permit. The required landscape and irrigation plan must be submitted with the second check of the grading plans and is subject to the review and approval of the City Engineer.
- C. The landscape and irrigation plan must conform to the City’s design and development standards and be presented on a duplicate mylar of the grading plans and include specifications for preparing existing soils or applying topsoil amendments to the slopes to encourage vigorous growth.
- D. Landscape and irrigation plans must comply with Chapter 13.36 of the Santee Municipal Code. (Ord. 564 § 3, 2019)

11.40.140 Erosion control plans.

When required by Chapter 9.06 or when the City Engineer determines that an erosion control system is required on a site, an applicant for a grading permit must submit plans for an erosion control system in accordance with the City’s design and development standards and submitted for the review and approval of the City Engineer. The approved erosion control plans become part of the grading plans and a condition of issuance of the grading permit. (Ord. 564 § 3, 2019)

11.40.145 Application coordination—Multi-departmental cooperation.

When the nature of work proposed in a grading permit application falls within the requirements of, or affects the operation of, any other department of the City, the City Engineer must obtain and consider the recommendations of

applicable City departments in determining the disposition of the application. (Ord. 564 § 3, 2019)

11.40.150 Grading for building construction.

- A. Before a building permit can be issued for land development work incidental to or in connection with the construction of a building or structure, the property owner must complete the following:
1. Apply for and obtain a grading permit;
 2. Complete the grading phase of the land development work;
 3. Submit a soils report, including, relative compaction of the pads and verification of pad elevations;
 4. Request, two working days prior to the inspection, and pass inspection of the grading work, if required pursuant to subsection B.
- B. The City Engineer may require a field inspection of the completed grade with representatives of appropriate City departments, the permittee, civil engineer, and soil engineer before the issuance of a building permit.
- C. The Planning Director will not certify the completion of the building where land development work has been done until a grading permit is obtained and certified as complete. (Ord. 564 § 3, 2019)

11.40.155 Early subdivision grading.

Grading of a subdivision is not permitted prior to approval of the final map unless specifically approved as a condition of the tentative map. If early subdivision grading is approved as a condition of the tentative map, the subdivider must obtain a grading permit pursuant to the requirements of this chapter; provided that the application for a grading permit must be accompanied by detailed plans and specifications based upon the approved tentative map in conformity with the provisions of Sections 11.40.110 through 11.40.140 of this chapter, and by a schedule and estimate based upon the plans and specifications. (Ord. 564 § 3, 2019)

11.40.160 Environmental review.

- A. Except as otherwise provided in this chapter, every application for a grading permit is subject to environmental review by the Planning Director to determine whether the grading, if carried out as proposed, could have a significant impact on the environment. If the Director determines that the grading may have a significant impact on the environment, the Director may require the applicant to prepare environmental studies or an initial study.
- B. The environmental review required by subsection A is not required if any of the following conditions are met:
1. The City Council, Planning Commission, or City officer having final authority for project approval, has approved a negative declaration or certified an environmental impact report which considered the proposed grading or has determined that the project which included the proposed grading, would not have a significant effect upon the environment; or
 2. The proposed grading is on land which at no point has a slope steeper than 10%, and the average cut in the cut area does not exceed five feet, and there is no cut in excess of 10 feet (for purposes of the 10-foot requirement, the cut or fill measurement must be taken vertically at the deepest point of the cut or fill to the natural ground surface), unless the conditions identified in subsection B of this section apply.
- C. Subdivisions 1 and 2 of subsection B notwithstanding, if, in the opinion of the City Engineer or the Planning Director, there are unusual conditions with respect to the property for which an application is filed which renders an environmental review desirable or necessary, the City Engineer will refer the application to the Planning Director for the determination. Such unusual conditions include, but are not limited to, grading activity on land included in:
1. Watercourses;
 2. Wetlands;
 3. Scenic corridor zones or other areas officially designated by the Federal government, State governments, or the City General Plan as scenic areas;
 4. Areas of severe geologic hazard as identified in the General Plan;

5. Riparian habitats;
6. Hillside areas as defined in the hillside overlay district shown on the City zoning map;
7. Areas with significant cultural resources as identified in the General Plan;
8. Areas containing significant biological resources as identified in the General Plan. (Ord. 564 § 3, 2019)

11.40.165 Right of entry—Indemnification of City.

Prior to receiving a grading permit, the owner of the site to be graded and the contractor, if any, must grant the City a right of entry into the site to inspect and to correct grading not performed in compliance with the terms and conditions of the permit. The owner and the contractor must also agree to indemnify the City for any claims or damages which may result from the City's entry onto the property including from any corrective action taken pursuant to such right of entry. The right of entry and indemnification required by this section must be in a form approved by the City Attorney. (Ord. 564 § 3, 2019)

11.40.170 Restriction on permit issuance—Excessive grades.

- A. Except as provided in subsection B, it is unlawful, and no grading permit may be issued, for any person to grade on natural grades or slopes that exceed 25% gradient through a vertical rise of more than 25 feet, unless specifically approved by the City Council.
- B. The following are exempt from the prohibition in subsection A of this section:
 1. The movement of earth for small projects such as custom lots, individual building foundations, and driveways approved by the Planning Director;
 2. The movement of earth for local roads or trenches to mitigate a geologic hazard to adjacent property; and
 3. The movement of earth necessary for the construction of access or fire roads, as approved by the City Engineer. (Ord. 564 § 3, 2019)

11.40.175 Nonstructural fills.

- A. Except for temporary stockpiles, nonstructural (uncompacted) fills are prohibited unless specifically authorized by the City Engineer and Planning Director.
- B. Applications for grading permits involving nonstructural fills must be accompanied by an agreement for development of nonstructural fills signed by the property owner and containing the following provisions:
 1. The development work must be designated as nonstructural fill and must be constructed in accordance with grading plans approved by the City Engineer;
 2. The owner acknowledges that as a nonstructural fill, the site is not eligible for a building permit until, subject to the review and approval of the City Engineer, a soils investigation report, additional geotechnical reports in accordance with Section 11.40.130, and any other pertinent information as deemed necessary by the City Engineer, have been submitted and approved by the City;
 3. The land development work must be done and maintained in a safe, sanitary and nonnuisance condition at the sole cost, risk and responsibility of the owner and the owner's successors in interest, who must hold the City harmless with respect thereto;
 4. Other provisions that, in the opinion of the City Attorney and the City Engineer, afford protection to the property owner and the City.
- C. The agreement for nonstructural fills must be presented to the City Council for approval, and if approved, the agreement or notice of the agreement must be recorded in the office of the County Recorder. The notice must remain in effect until release of the agreement is filed by the City Engineer. If the County Recorder refuses to record notice of the agreement against the property, such agreement becomes void. (Ord. 564 § 3, 2019)

11.40.180 Borrow pits—Zoning permit required—Exceptions.

When borrow or waste material is to be removed from or deposited on a land development site, no grading permit for the land development site will be issued unless a zoning permit has been issued for the operation of a borrow pit on the borrow pit site, a legally nonconforming borrow pit is being operated on the borrow site, or the removal comes within one or more of the following exceptions:

- A. Where such removal is to complete, within one year after beginning such removal, the grading of land in accordance with a grading plan for any of the following, provided that the grading plan has been approved by the City Engineer as being reasonably necessary and incidental to the development and improvement of the premises, building or structure:
 - 1. For a subdivision of such land established by the filing of a final subdivision map,
 - 2. For the division of such land created pursuant to a parcel map filed in accordance with Title 12 of this code,
 - 3. For the preparation of a site for a building or structure,
 - 4. A grading plan approved by the Planning Director and City Engineer as being reasonably necessary and incidental to the use of the premises in accordance with a zoning permit issued pursuant to Title 13 of this code;
- B. Where such removal is incidental to the operation of a mine authorized pursuant to Article 6 of this chapter;
- C. Where such removal does not exceed 500 cubic yards;
- D. Where the City Engineer and Planning Director concur that the proposed grading is reasonably necessary to provide material exclusively for a specific City project authorized by the City Council; or
- E. Where such removal is necessary to repair flood damage in accordance with an emergency watercourse permit issued by the Director. (Ord. 564 § 3, 2019)

11.40.185 Drainage easements required.

- A. Prior to issuance of a grading permit for land development activities that involve installation of improvements to public or private watercourses or otherwise impact such watercourses, the applicant must satisfy the following:
 - 1. For all public watercourses, the applicant must grant or cause to be granted to the City a drainage easement in accordance with the design and development standards;
 - 2. For all private watercourses where the continuous functioning of the drainageway is essential to the protection and use of multiple properties, the applicant must:
 - a. Record or cause to be recorded a covenant, maintenance agreement, and/or deed restriction which establishes the owner of each lot as responsible for maintenance of the drainageway(s),
 - b. Acquire and record permanent off-site drainage easements, to the satisfaction of the City Engineer.
- B. Prior to issuance of a grading permit for land development activities that do not involve installation of improvements to public or private watercourses, but which, in the opinion of the City Engineer, must be kept open and clear for natural stormwater runoff, the applicant must grant a flowage easement to the City on a form approved by the City Attorney. (Ord. 564 § 3, 2019)

11.40.190 Permit applications—Expiration and extension.

Except as otherwise provided in this chapter, any grading permit application for which a valid grading permit has not been issued expires 180 days after the City receives the application, at which time the application and plans, whether or not the grading plans have been approved and signed by the City Engineer, are invalid. (Ord. 564 § 3, 2019)

11.40.195 Issuance of permits.

The City Engineer is authorized to issue grading permits for land development work that complies with the requirements of this chapter. A grading permit includes the conditions, plans and specifications set forth in any plans or other documents required by this chapter. (Ord. 564 § 3, 2019)

11.40.200 Denial of permits.

The City Engineer is not authorized to issue a grading permit in the following cases:

- A. **Hazardous Grading.** The City Engineer is not authorized to issue a grading permit in any case where the City Engineer finds or infers that the work proposed by the applicant will:
 1. Damage any private or public property; or
 2. Expose any property to landslide or geologic hazard; or
 3. Adversely interfere with existing drainage courses or patterns; or
 4. Cause erosion which could result in the depositing of mud, silt or debris on any public or private street or way; or
 5. Create any hazard to person or property.
- B. **Geological Hazard.** The City Engineer is not authorized to issue a grading permit if, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological hazard and no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to person or property.
- C. **Flood Hazard.** The City Engineer is not authorized to issue a grading permit if, in the opinion of the City Engineer, the proposed grading would adversely affect the flow of runoff or would alter runoff to the detriment of upstream, downstream or adjacent properties.
- D. **Subdivision or Zoning Permits.** The City Engineer is not authorized to issue a grading permit if the purpose of the proposed grading, as stated in the application or as determined by the City Engineer and Planning Director, is to prepare the land for subdivision or for some use for which a zoning permit is required, unless and until a subdivision map or a zoning permit has been approved or conditionally approved, and the subdivision map or zoning permit is not threatened with expiration.
- E. **Other Reasons.** The City Engineer is not authorized to issue a grading permit in the following cases:
 1. If the City Council prohibits issuance of a grading permit;
 2. If prohibited a duly enacted moratorium, court order, injunction, or other legal order;
 3. If the applicant or owner has failed to comply with the provisions of this code;
 4. If the work proposed is not consistent with any element of the City General Plan, any specific plan, land use ordinance or regulation, zoning ordinance regulation or permit, or subdivision map;
 5. If the application proposes land development which is not in the interest of the public health, safety, or general welfare; or
 6. If the application proposes land development which does not constitute a reasonable use of land as indicated by the existing zoning or an approved land use plan. (Ord. 564 § 3, 2019)

11.40.205 Appeals.

An applicant may appeal the City Engineer's denial of, or the conditions of approval of, an application for a grading permit to the City Council in accordance with Chapter 1.14. In addition, the Planning Director must notify the owners of record, interested persons signing the appeal, and owners of adjacent land identified by the City Engineer as being affected by the proposed grading. (Ord. 564 § 3, 2019)

11.40.210 Permit expiration, extension and cancellation.

- A. **Validity.** Unless a grading permit is canceled or expires by limitations as set forth in this section, a grading permit expires on the date specified on the permit, which date may be a maximum of one year after the date of issuance. All work authorized in a grading permit must be completed before the grading permit expires.
- B. **Expiration by Limitation.** Grading permits expire by limitation and become null and void if the work authorized by the permit is not commenced and diligently pursued within 180 days after the date of permit issuance, or if work authorized by the permit is stopped, suspended or abandoned for a period of 180 days. For purposes of

this section, work authorized by a grading permit is “diligently pursued” when it is of a magnitude, frequency, or complexity as to require the regular services of the permittee’s soil engineer and/or civil engineer or other professionals, and is inspected at regular intervals by the City.

C. Extensions. A permittee may submit a written request, prior to expiration of a grading permit, for an extension of the expiration date of a grading permit. On receipt of a timely request, the City Engineer is authorized to extend the expiration date of a grading permit, as follows:

1. The City Engineer may extend the period in which the permittee must complete the work authorized by the grading permit for up to one year if the authorized work is timely commenced and diligently pursued but is not completed within the permit period;
2. The City Engineer may extend the period in which the permittee must commence and diligently pursue work, for 180 days, provided the permittee demonstrates that circumstances beyond the permittee’s control prevent commencement of the approved work.

If work is not commenced, diligently pursued, or completed, within the extension period specified in this section, then the permit expires and is null and void.

D. Cancellation. The City Engineer may cancel a permit or may require the plans to be amended in the interest of public health, safety and welfare or under any of the following conditions:

1. Upon the request of the permittee;
2. When the facts are not as presented by the permittee in the application;
3. When work, as constructed or as proposed to be constructed, creates a hazard to public health, safety and welfare;
4. When facts are revealed during grading requiring modifications to achieve desired results. (Ord. 564 § 3, 2019)

11.40.215 Fee schedule—Generally.

A. An applicant for a grading permit must pay all fees required by this chapter and established by resolution of the City Council to the Director of Finance. The City Engineer is not authorized to issue any permit authorizing land development until the Director of Finance receives the fees required by this chapter.

B. The City Engineer may require the payment of additional fees for any of the following reasons:

1. Extension or renewal of the grading permit;
2. Enlargement of the scope or quantity of grading or any change which increases the need for inspection or administration of the project;
3. Additional soil or geotechnical review by a third party of any modified grading. (Ord. 564 § 3, 2019)

11.40.220 Plan check and permit fees.

A. Before the City Engineer is authorized to accept an application and grading and/or landscape and irrigation plans and specifications for checking, the applicant must pay a plan check fee in the amount established by resolution of the City Council.

B. Unless otherwise specified by resolution of the City Council, the plan check fee for a grading permit authorizing additional work under a valid permit is the difference between the plan check fee paid for the original permit and the fee required for the entire project. (Ord. 564 § 3, 2019)

11.40.225 Preliminary soils engineering report review fee.

Before the City Engineer is authorized to accept a preliminary soils engineering report for review, the applicant must pay a report review fee for each individual report submitted for review in an amount established by resolution of the City Council. Additional deposits may be required for independent review of the soil engineering report. (Ord. 564 § 3, 2019)

11.40.230 Inspection fees.

Before the City Engineer is authorized to issue a grading permit, the applicant must pay an inspection fee in an amount established by resolution of the City Council to cover the City's expenses, costs, and overhead for field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. (Ord. 564 § 3, 2019)

11.40.235 Work commenced before permit issuance—Fee.

- A. In addition to any penalty for violation of this code and in addition to the fees required in this chapter, a separate fee, in an amount established by resolution of the City Council, but in no case less than \$500.00, is required for any work commenced prior to obtaining a permit required by this chapter.
- B. Payment of such fee does not relieve any person from any liability for failing to comply with this chapter. The fee prescribed in this section is not a penalty but defrays the expense of enforcement of the provisions of this chapter and may be assessed for each violation cited. (Ord. 564 § 3, 2019)

11.40.240 Fee exemptions.

The City Engineer is authorized to issue grading permits without collecting all or part of the fees required by this chapter when the work is approved and inspected by a County, State or Federal agency. (Ord. 564 § 3, 2019)

11.40.245 Refunds.

- A. The Director of Finance is not authorized to refund fees collected pursuant to this chapter, in whole or in part, except as provided in this section.
 - 1. Plan Check Fees. Plan check fees may be refunded, less any City expenses, including overhead incurred, upon the applicant's request, provided no plan checking has commenced. No refund of plan check fees is authorized after issuance of a permit.
 - 2. Report Review Fees. Prior to review of a report, any fees paid for report review are refundable, less a handling charge, upon the applicant's request, provided the permit has expired, or is withdrawn, or if the project does not warrant preparation of a soil engineering report.
 - 3. Inspection Fees. Grading inspection fees may be refunded, less a handling charge and City expenses, at any time prior to the start of the work authorized by the permit, upon the applicant's request, provided the grading permit has expired or has been withdrawn.
- B. Notwithstanding subsection A, no refund is authorized.
 - 1. If the applicant or permittee has any outstanding debts owed to the City, or if corrective work remains to be done on the grading work itself.
 - 2. If a request for refund is submitted to the City more than one year after the date of payment of the fee sought to be refunded.
 - 3. If the total refundable amount, after deduction of City costs as provided in this section is less than \$25.00. (Ord. 564 § 3, 2019)

Article 3. Design Standards

11.40.300 Design responsibilities.

The applicant for a grading permit required by this chapter must comply with or cause the following requirements to be met:

- A. Civil Engineer. The civil engineer who prepared the grading and paving plans must:
 - 1. Incorporate the applicable recommendations from the soil engineering and geology reports and any City Engineer approved alternative concept grading plan into the grading plan.
 - 2. Establish line and grade for the grading and drainage improvements.

3. Act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the City Engineer.
 4. Prepare plan revisions, and, when work is complete, submit as-graded drawings incorporating all changes and/or additions made during construction.
 5. Prior to the release of building permits for any given lot or lots, submit a written statement as evidence that rough grading for land development has been completed within standard tolerances in accordance with the approved plans and that all embankments and cut slopes and pad sizes are as shown on the approved plans.
- B. Landscape Architect. The landscape architect who designed the landscape and irrigation plans must:
1. Incorporate applicable recommendations from the soils engineering reports along with appropriate measures related to soil engineering into the landscape and irrigation plans.
 2. Prepare plan revisions, including securing approval from the City Engineer prior to installation.
 3. Submit as-graded drawings incorporating all changes and/or additions made during construction.
 4. If requested by the City Engineer, prepare alternative concept contour grading plans for review and approval by the City Engineer.
 5. Design all ground cover to provide 100% coverage within nine months after planting, or provide additional landscaping to meet this standard.
- C. Soil Engineer. The soil engineer who prepares the soil engineering report(s) required by this chapter must
1. Perform the preliminary soils engineering investigation;
 2. Prepare the preliminary soils engineering report;
 3. Determine the suitability of soils during grading;
 4. Provide preliminary pavement recommendations;
 5. Provide compaction inspection and testing;
 6. Prepare the final soils engineering report;
 7. Sign the grading plan to certify that the grading plan complies with the soils and geotechnical recommendations of the preliminary soils engineering report. (Ord. 564 § 3, 2019)

11.40.310 Setbacks.

- A. Setbacks and Other Restrictions Specified by This Section Are Minimums. The City Engineer may increase the minimums. The City Engineer may consider any recommendations regarding these minimums from the civil engineer, soil engineer or engineering geologist, and may consider whether modifications are necessary for safety and stability, to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Where a requirement elsewhere in this code conflicts with the minimums in this section, the more restrictive requirement governs.
- B. Minimum Setback Requirements.
1. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer.
 2. The tops and toes of slopes must be set back from the outer boundaries of the permit area, including from slope rights areas and easements, in accordance with the appropriate setback diagram shown in the City's design and development standards.
 3. Setbacks between graded slopes (cut or fill) and structures must be provided in accordance with the appropriate setback diagram shown in the City's design and development standards.
 4. Lot lines between private lots must be placed at the tops of slopes along the line of vertical curvature between the building site and the slope rounding whenever practicable. Lot lines between private lots and school sites, park sites and other similar public facilities must be placed so that the slopes remain in private ownership, wherever possible and practicable.
 5. A usable side yard of at least five feet from any building wall must be provided to the toe and top of a slope, unless waived by the City Engineer.

- C. No provision in this section may be construed to allow less than the required setback for berms and drainage, unless an approved drainage device is used to reduce these requirements. (Ord. 564 § 3, 2019)

11.40.320 Cuts.

- A. Cut slopes must be no steeper than two horizontal to one vertical (2:1), unless the applicant demonstrates to the satisfaction of the City Engineer and Planning Director that the project would be substantially improved with steeper cut slopes, but in no case will cut slopes be steeper than 1.5:1.
- B. Requests for approval of cut slopes steeper than 2:1 must be accompanied by a geotechnical report that establishes such slopes will be stable and by a landscape architect report that establishes such slopes can be adequately landscaped.
- C. The City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the City.
- D. Unless specifically approved by the City Council or Planning Commission, a cut must not exceed a vertical height of 40 feet. In approving cut slopes higher than 40 feet, the City Council considers the following:
1. The lack of feasible alternative grading designs which result in slopes of 40 feet or less and the furtherance of General Plan goals and objectives by the proposed development; or
 2. Overriding benefits to the City from the development proposal.
- E. Slopes in the Friars Formation are governed by Section 11.40.130(A). (Ord. 564 § 3, 2019)

11.40.330 Fills.

- A. Fill slopes must be no steeper than two horizontal to one vertical (2:1), exclusive of benches and terraces. The City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the City.
- B. Unless specifically approved by the City Council or Planning Commission, fill must not exceed a vertical height of 40 feet. In approving fill slopes higher than 40 feet, the City Council considers the following:
1. The lack of feasible alternative grading designs which result in slopes of 40 feet or less and the furtherance of General Plan goals and objectives by the proposed development; or
 2. Overriding benefits to the City from the development proposal.
- C. The soils engineer must provide a slope stability analyses with the soil engineering reports for all fill slopes exceeding 40 feet in height, where authorized by the City Council or Planning Commission, regardless of the slope ratio. The soil engineer must provide a written statement approving the slope stability. In addition, the soil engineer must recommend alternative methods of construction or compaction requirements necessary for stability.
- D. Slopes in the Friars Formation are governed by Section 11.40.130(A). (Ord. 564 § 3, 2019)

11.40.340 Terraces.

All slopes exceeding 40 feet in vertical height must establish drainage terraces at least six feet wide at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris. Where only one terrace is required, it must be at mid-height. Access must be provided to permit proper cleaning and maintenance. Drainage terraces must be improved with a paved swale or ditch at least one foot deep, with a minimum grade of two percent and wide enough to carry the 100-year storm runoff arriving at the terrace. (Ord. 564 § 3, 2019)

11.40.350 Berms.

Unless waived by the City Engineer, a compacted earthen berm must be constructed at the top, or along the line of vertical curvature, of all slopes steeper than 5:1. The berm must conform to the slope and be a minimum of one-half foot high and two feet wide. The City Engineer may require larger berms if necessary to achieve the stated design purposes of the City. (Ord. 564 § 3, 2019)

11.40.360 Stormwater runoff.

Stormwater runoff from lots or adjacent properties must not be carried over cut or fill slopes steeper than 5:1. Such runoff must be addressed as required by the City’s design and development standards. Surface runoff must not be permitted to flow from one residential lot to another without approval from the Director. (Ord. 564 § 3, 2019)

11.40.370 Subsurface drainage.

- A. Cut and fill slopes must have subsurface drainage as necessary for stability and as recommended by the soil engineer and/or the engineering geologist.
- B. All canyon fills and buttress fills must have subdrains, unless waived by the City Engineer, based upon the information provided by the engineering geologist and/or the soil engineer indicating that they are not necessary and recommending against them. (Ord. 564 § 3, 2019)

11.40.380 Contour grading—Public interest slopes.

- A. All public interest slopes must be rounded into existing terrain to produce a contoured and smooth transition from cut or fill faces to natural ground and abutting cut or fill surfaces. All public interest slopes must be contour graded and landscaped pursuant to a landscape plan prepared by a landscape architect and approved by the City Engineer. The contours of the finished slope must either approximate the natural contours to the satisfaction of the City Engineer or the slope gradient must vary from 2:1 to 2.5:1, moving through one complete cycle (i.e., from 2:1 to 2.5:1 and back to 2:1) adjacent to each lot line, or every 100 feet of slope, whichever is greater. The brows or tops of slopes may be straight to match the lot lines and facilitate placement of lot fences.
- B. Criteria for Slope Rounding. Slope tops (brows) must be rounded between the building site and the slope surface to form a vertical parabolic curve with a length of vertical curve.
- C. The following table must be used as a guideline for slope rounding.

Vertical Height of Slope	Length of Vertical Curve
5' to 10'	10'
10' to 15'	14'
More than 15'	18'

- D. Slope rounding is not required along property lines where fences, walls or other separations are placed.
- E. Intersections of graded surfaces must be rounded in the horizontal plane with a circular or elliptical curve using the following table for guidelines.

Deflection Angle Between Intersecting Surfaces or Between Tangents of Intersection Surfaces	Tangent Distance	External Distance
Less than 30°	14'	2'
30° to 60°	21'	5'
More than 60°	29'	8'

- F. The landscape architect may propose and the City Engineer may approve alternative concept contour grading schemes which are, in the opinion of the City Engineer, equal to or better than the above criteria. (Ord. 564 § 3, 2019)

11.40.390 Grading—Standards for substantial conformance.

- A. Grading will be considered in substantial conformance if the pad elevations and slope heights shown on the approved grading plan are within plus or minus one foot of the elevations shown on the tentative map or approved conceptual grading plans.
- B. The City Engineer and the Planning Director have discretion to permit up to a four foot variation if they determine that the change will not adversely affect views, drainage and usable yard areas, and the change is needed to create a better design. (Ord. 564 § 3, 2019)

Article 4. Performance Security

11.40.400 Required security.

- A. The City Engineer is not authorized to issue a grading permit unless the applicant for the grading permit posts security with the City comprised of a cash deposit, surety bond, or a combination of cash deposit and corporate surety bond. An instrument of credit or other security satisfactory to the City Attorney, which pledges the performance of the work, may be submitted in lieu of the surety bond. Surety bonds and other instruments of credit must be issued by an entity authorized to do business in the State of California. An irrevocable standby letter of credit issued by a financial institution subject to regulation by the State or Federal government may be posted in lieu of the surety bond, instrument of credit or other security.
- B. The security required by this section must insure installation of required structures, drains, landscaping, irrigation and other improvements shown on the grading plans. Such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof.
- C. The security required by this section must be in the form approved by the City Attorney. The total amount of the security must be equal to 30% of the estimated cost of the grading work authorized by the permit plus an additional sum equal to 100% of the estimated cost for the construction of drainage structures or facilities, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities authorized by the grading permit.
- D. The City Engineer will estimate the cost of the work after reviewing the civil engineer's estimates. If the City Engineer determines that the size, complexity and scope of the work does not justify the full amount of the security, the City Engineer may waive all or part of the amount to the extent that there is no hazard or danger. If the scope of work increases, or new conditions are discovered after grading commences, the City Engineer may increase the amount of security required. (Ord. 564 § 3, 2019)

11.40.410 Cash deposit requirements.

A cash deposit provided as security required by this chapter must meet the following requirements:

- A. Be equal to 20% of the calculated security, as approved by the City Engineer. Interest will not be paid on cash deposits;
- B. Not be less than \$1,000.00 or more than \$20,000.00. In instances where 20% of the appraised calculated security exceeds \$20,000.00, that remaining portion of the security in excess of \$20,000.00 must be combined with the remaining 80% of the approved security in the form of a corporate surety bond, or other security authorized by Section 11.40.400;
- C. Be used to satisfy all of the following:
1. The cost of correcting any deficiency, hazard or injury created by the work in violation of the terms and conditions of the grading permit and in violation of the provisions of this chapter or any other applicable law or ordinance,
 2. For maintenance, cleanup or repair of any public or private street or easement, or for the maintenance, upkeep or installation of debris basins, erosion control devices, etc.,
 3. Use of the cash deposit or a portion thereof does not limit or release the obligation of the permittee or surety to satisfy the cost of correcting any deficiency, hazard or injury created by the work or to maintain the same in safe condition. If the amount of the cash deposit is insufficient to satisfy the cost in full, the surety is liable to satisfy the remainder of the cost in excess of the cash deposit to the extent that the remainder does not

exceed the full penalty amount of the bond. In addition, if suit is brought upon the surety by the City and judgment is recovered, the surety must pay all costs incurred by the City in such suit, including a reasonable attorney's fee to be fixed by the court. (Ord. 564 § 3, 2019)

11.40.420 Erosion control security requirements.

When plans for an erosion control system are required as part of the grading permit pursuant to Section 11.40.140, the applicant must furnish security in connection with an agreement to perform erosion control work.

The amount of security must be 100% of the cost estimate for the work shown on the erosion control plan, subject to the approval of the City Engineer. Section 11.40.400 governs the types of securities acceptable by the City.

In addition to the required security for erosion control work, the applicant must provide a cash deposit for emergency erosion control work and emergency cleanup in the amount established by resolution of City Council, but in no case less than \$5,000.00. (Ord. 564 § 3, 2019)

11.40.430 Required terms and conditions of securities.

Every surety bond and instrument of credit must include and every cash deposit and letter of credit must be made on the conditions that the permittee:

- A. Complies with all provisions of this chapter, applicable laws and other ordinances;
 - B. Complies with all the terms and conditions of the grading permit to the satisfaction of the City Engineer;
 - C. Completes all of the work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this chapter, or by any extension of time authorized by the City Engineer. Any extension authorized by the City Engineer must not release the owner or the surety on the bond or person issuing the instrument of credit;
 - D. Each security must remain in effect until the completion of the work to the satisfaction of the City Engineer.
- (Ord. 564 § 3, 2019)

11.40.440 Use of securities for work done by City.

If a permittee fails to complete the work authorized in a grading permit or fails to comply with all conditions and terms of the grading permit, the City Engineer may complete or cause the completion of any work necessary to correct deficiencies or eliminate dangerous conditions and leave the site in safe, stable and nuisance-free condition or may order the work authorized by the permit to be completed to a safe, stable and nuisance-free condition. In such cases, the permittee, the surety executing a bond, and the person issuing the instrument of credit, letter of credit or making a cash deposit required by this chapter continue to be firmly bound under a continuing obligation to pay all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done. (Ord. 564 § 3, 2019)

11.40.450 Release of securities.

- A. Cash deposits, bonds, or other security will be released on request in writing by the permittee when work is complete and approved by the City Engineer.
 - B. No security otherwise required by this chapter is required from the State, or any of its political subdivisions or any governmental agency. However, a contractor working for the State or any of its political subdivisions or any governmental agency must present a security for performance unless proof is submitted, satisfactory to the City Attorney, that the work is covered by a separate and similar security inuring to the benefit of the State or agency.
- (Ord. 564 § 3, 2019)

Article 5. Grading and Paving Operations

11.40.500 Work authorized by permit.

A grading permit authorizes only the work described or illustrated on the application for the permit, or in the plans and specifications approved by the City Engineer. The authorized work must be done in accordance with all conditions imposed by the City Engineer and with the requirements of this chapter. Conditions imposed by the City Engineer must be shown on the grading plans under the heading "General Notes." (Ord. 564 § 3, 2019)

11.40.505 Responsibility of permittee.

The permittee must:

- A. Know the conditions and restrictions placed on the grading permit, the requirements of this chapter, and the requirements in any approved report(s);
- B. Insure that all contractors, subcontractors, employees, agents and consultants are knowledgeable of the same, and insure that they carry out the authorized work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter;
- C. Maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the City Engineer. (Ord. 564 § 3, 2019)

11.40.510 Contractor qualifications.

Every person doing land development must meet such qualifications the City Engineer determines are necessary to protect the public interest. The City Engineer may require an application for qualification which must contain all information necessary to determine the person's qualifications to do the land development. At a minimum, all land development work must be performed by a contractor licensed by the State to perform the types of work required by the permit. (Ord. 564 § 3, 2019)

11.40.515 Time of grading and paving operations.

The permittee must comply with the City's design and development standard regarding the conduct of grading operations. At a minimum, these standards include, but are not limited to the following:

- A. All grading and paving operations, including the warming up, repair, arrival, departure or running of trucks, earthmoving equipment, construction equipment and any other associated grading equipment must occur only between 7:00 a.m. and 6:00 p.m. Monday through Friday. Earthmoving or grading operations must not be conducted on Saturdays, Sundays or holidays recognized by the City without the written permission of the City Engineer.
- B. Grading and paving are not permitted between October 1st and the following April 1st on any site when the City Engineer determines that erosion, mudflow or sediment discharge from grading may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an erosion control system approved by the City Engineer has been implemented on the site to the satisfaction of the City Engineer. (Ord. 564 § 3, 2019)

11.40.520 Transfer of responsibilities.

- A. If the civil engineer, soil engineer, engineering geologist, landscape architect, testing agency, or grading contractor of record change during the course of work authorized by a grading permit, the work must stop until:
 1. The owner submits a letter of notification verifying the change of the responsible professional; and
 2. The new responsible professional certifies in writing that the professional has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that the new responsible professional concurs with the findings, conclusions and recommendations and is satisfied with the work performed. The responsible professional's certification include a statement assuming all responsibility for work in that professional's purview as of a specified date.
- B. Except for subsection C, any exceptions to subdivisions 1 and 2 of subsection A of this section must be approved by the City Engineer.

C. Where clearly indicated that the firm, not the individual professional, is the contracting party, the designated engineer, architect or geologist may be reassigned and another individual of comparable professional accreditation within the firm may assume responsibility, without complying with the requirements of subdivisions 1 and 2 of subsection A of this section. (Ord. 564 § 3, 2019)

11.40.525 Construction of fills.

- A. Preparation of Ground. The ground surface of an area to be filled must be prepared to receive fill in accordance with the following:
1. Removing vegetation, noncomplying fill, topsoil and other unsuitable materials;
 2. Scarifying to a depth of one foot to provide a bond with the new fill;
 3. Where existing slopes exceed five feet in height and/or are steeper than 5:1, benching into sound bedrock or other competent material as determined by the soil engineer and approved by the City Engineer. The lowermost bench beneath the toe of a fill slope on natural ground must be a minimum 10 feet wide and at least three feet into dense formational materials. The ground surface below the toe of the fill must be prepared for sheet flow runoff, or a paved drain must be provided.
 4. Where fill is to be placed over an existing cut slope, the bench under the toe of the new fill must be at least 15 feet wide and must be approved by the soil engineer and/or engineering geologist as a suitable foundation for fill.
- B. Expansive Soils. Whenever expansive soils are encountered within three feet of the finish grade of any area intended or designed as a location for a building, the permittee must ensure compliance with the following:
1. Remove expansive soil to a minimum depth of three feet below finish grade and replace the expansive soil with properly compacted, nonexpansive soil;
 2. If sufficient nonexpansive material to replace expansive soil is not readily available on-site, the City Engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project, subject to the written recommendation from the soil engineer for the design of footings, foundations, slabs, and other load bearing features, or for other special procedures which will alleviate any problem created by the remaining expansive soils.
- C. Fill Material. Fill material must comply with the following:
1. Organic material must not be included in fills.
 2. Except as outlined in this subsection, rock and similar irreducible materials with a maximum dimension greater than eight inches must not be buried or placed in fills.
 3. The City Engineer may permit placement of rock with a dimension greater than eight inches when the soil engineer properly devises a method of placement, continuously inspects placement, and approves the soil stability and competency, and the following conditions are also met:
 - a. Prior to issuance of the grading permit, potential rock disposal area(s) are delineated on the grading plan.
 - b. Rock sizes greater than eight inches in maximum dimension are at least six feet or more below grade, measured vertically, and 10 feet measured horizontally from slope faces, and must be two feet or more below the bottom of any utility pipeline.
 - i. When the design of the development or covenants and restrictions provide assurance that no structure or utilities will be placed on a precisely definable area, these dimensions may be reduced with the approval of the City Engineer;
 - c. Rocks greater than eight inches must be completely surrounded by soils. Nesting of rocks is prohibited.
 4. All fill slopes must be overfilled to a distance from finished slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finish grade to expose the compacted core. Alternate methods may be recommended by the soil engineer and approved by the

City Engineer. In such instances, the grading contractor must provide detailed specifications for the method of placement and compaction of the soil within a distance of an equipment width from the slope face.

D. **Buttress/Stabilization Fills.** Any recommendations for buttress fills or stabilization fills must be set forth in a report by the soils engineer or certified engineering geologist. The report must set forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudostatic conditions (pseudostatic loads need not normally be analyzed when bedding planes are flatter than 12 degrees from the horizontal), laboratory test data on which the calculations are based, the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

E. **Utility Line Backfill.** Backfills for on-site utility line trenches, such as water, sewer, gas, and electrical services must be compacted and tested in accordance with Section 11.40.725. Alternate materials and methods may be used for utility line backfills if the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling. The final utility line backfill report must include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use. (Ord. 564 § 3, 2019)

11.40.530 Safety precautions.

A. If, at any stage of work, the City Engineer determines that authorized grading is likely to endanger any public or private property, result in the deposition of debris on any public way, or interfere with any existing drainage course, the City Engineer may specify and require reasonable safety precautions to avoid the danger. Failure to comply with the City Engineer's direction is a violation of this section.

B. When directed by the City Engineer pursuant to this section, the permittee must remove any soil and debris deposited on adjacent and downstream public or private property, repair any damage resulting from that permittee's grading operations, and control erosion and siltation through the use of temporary or permanent siltation basins, energy dissipators, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. Costs associated with any work outlined in this section are the permittee's responsibility. (Ord. 564 § 3, 2019)

11.40.535 Public protection from hazards.

During grading operations, the permittee, contractor, and owner must take all necessary measures to eliminate any hazard resulting from the work to the public in its normal use of public property or right-of-way. Any fences or barricades installed must separate the public from the hazard as long as the hazard exists, must be approved by the City Engineer, and must be properly constructed and maintained. (Ord. 564 § 3, 2019)

11.40.540 Public facilities within public rights-of-way.

Except as otherwise provided in a secured agreement for land development pursuant to Section 12.32.030, the following provisions apply when a City facility within a public right-of-way has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work:

A. The owner of property subject to this chapter must pay the City for all costs of placing, repairing, replacing or maintaining the City-owned facility;

B. The costs of placing, replacing or maintaining the City-owned facility includes the cost of obtaining an alternate easement if necessary;

C. The City Engineer must notify the property owner of such damage or failure in accordance with Section 1.08.030, after which, the City may withhold certification of the completion of a building or other permitted work until the damaged or failed facility is restored. (Ord. 564 § 3, 2019)

11.40.545 Protection of adjacent property.

A. Each property owner is entitled to the lateral and adjacent support of that property from the adjoining land.

- B. It is unlawful to excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or other public or private property without supporting and protecting such property from settling, cracking and other damage which might result.
- C. Notwithstanding the minimum standards set forth in this chapter, each property owner must prevent damage to adjacent property when making excavations by undertaking the following:
1. Before making an excavation greater than 10 feet wide within 10 feet of a property line, the property owner or lessee must give reasonable notice to the owner or owners of land abutting the property lines affected by the excavation. The notice must state the depth of the proposed excavation and when the excavation will begin;
 2. In making any excavation, use reasonable care, skill and precautions to ensure that the soil of adjoining property will not cave in or settle to the detriment of any building or other structure which may be thereon;
 3. Ensure that land development work does not physically prevent the use of existing legal or physical and usable access to any parcel (in the opinion of the City Engineer). (Ord. 564 § 3, 2019)

11.40.550 Maintenance of protective devices.

The owner of any property on which a fill or excavation has been made pursuant to a grading permit granted under the provisions of this chapter, or any other person or agent in control of such property must maintain the following in good condition and repair: all retaining walls, cribbing, drainage structures, protective devices, and plantings shown in the approved plans and specifications or in the as-graded drawings or as required by the grading permit. Facilities dedicated for use by the public and accepted for such use by a public agency are excepted from this requirement. (Ord. 564 § 3, 2019)

11.40.555 Protection of utilities.

- A. During grading operations the permittee must prevent damage to any public utilities or services within the limits of grading and along any routes of travel of equipment.
- B. Before starting any excavation work, the permittee must contact Underground Service Alert, Incorporated and coordinate the proposed excavation with all interested utility companies, districts and agencies. (Ord. 564 § 3, 2019)

11.40.560 Debris on public streets.

The permittee must ensure that all grading operations comply with the Vehicle Code and that no soil or debris is deposited on the public streets by any means, including, but not limited to, spills from truck beds or tracking by haul vehicles. The permittee must remove any materials spilled, dumped, or deposited on a public street as a result of permittee's grading operations.

In addition to any other remedies available for noncompliance with this requirement, the City Engineer may require a cash deposit or security to insure the cleanup of public streets. (Ord. 564 § 3, 2019)

11.40.565 Dust control.

The permittee must control dust created by grading operations or activities at all times. (Ord. 564 § 3, 2019)

11.40.570 Preservation of existing monuments.

The permittee must show all existing survey monuments on the grading plan and submit evidence indicating that arrangements have been made to preserve or relocate existing monuments to the City Engineer prior to issuance of a grading permit. (Ord. 564 § 3, 2019)

11.40.575 Archaeological or paleontological resources.

If any archaeological or paleontological resources are discovered during grading operations, the permittee must immediately cease all grading operations and notify the City Engineer of the discovery. Grading operations must not recommence until the permittee has received written authority from the City Engineer to do so. (Ord. 564 § 3, 2019)

Article 6. Surface Mining and Reclamation

11.40.600 Purpose and intent.

- A. This article is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, of the Public Resources Code and amendments thereto.
- B. The City recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
- C. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.
- D. The purpose and intent of this article is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Section 3500 et seq.), to ensure that:
 - 1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses;
 - 2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment;
 - 3. Residual hazards to the public health and safety are eliminated. (Ord. 564 § 3, 2019)

11.40.605 Incorporation by reference.

The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and State regulations CCR Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this article are more restrictive than correlative State provisions, this article prevails. (Ord. 564 § 3, 2019)

11.40.610 Scope.

- A. Except as otherwise provided, the provisions of this article apply to all lands within the City, public and private.
- B. Except as provided in this article, no person is authorized to conduct surface mining operations unless the City approves a zoning permit, reclamation plan, and financial assurances for reclamation.
- C. This article does not apply to the following activities, subject to the above-referenced exceptions:
 - 1. Minor excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
 - 2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

- a. All required permits for the construction, landscaping, or related land improvements have been approved by the City in accordance with applicable provisions of State law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act (“CEQA,” Public Resources Code, Division 13, Section 21000 et seq.);
 - b. The City’s approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA;
 - c. The approved construction project is consistent with the General Plan, applicable specific plan or zoning of the site;
 - d. Surplus materials must not be exported from the site unless and until actual construction work has commenced and must cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
3. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:
 - a. The plant site is located on lands within a zoning category intended for the specific use and all other required City permits and approvals have been obtained;
 - b. None of the minerals being processed are being extracted on-site;
 - c. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.
 4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location and the total surface area disturbed is less than one acre.
 5. Surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
 6. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
 7. The immediate excavation or grading of lands affected by a natural disaster for the purpose of restoring those lands to their prior condition.
 8. The immediate removal of material deposited by a flood onto lands being farmed for the purpose of restoring those lands to their prior condition.
- D. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of zoning permit approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. (Ord. 564 § 3, 2019)

11.40.615 Vested rights.

No person or corporation who obtained a vested right to conduct surface mining operations prior to January 1, 1976, is required to secure a zoning permit so long as the vested right continues in accordance with Section 13.04.110 and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this article. However, where a person or corporation with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they must obtain City approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan must include reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976). (Ord. 564 § 3, 2019)

11.40.620 Applications and reviews.

- A. Any person, except as provided in Section 2776 of the California Surface Mining and Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this chapter must, prior to the commencement of such operations, obtain:
1. A zoning permit;
 2. A permit to mine; and
 3. Approval of a reclamation plan, in accordance with the provisions set forth in this article and as further provided in the California Surface Mining and Reclamation Act of 1975. A fee, as established for the permitted uses in the consolidated fee schedule, must be paid to the City at the time of filing.
- B. Applications for a zoning permit or reclamation plan for surface mining or land reclamation projects must be made on forms provided by the Department of Development Services. Said application must be filed in accordance with this article and procedures as established by the Director. The reclamation plan applications require, at a minimum, each of the elements required by SMARA (Sections 2772—2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as established at the discretion of the Director. All applications for a zoning permit for surface mining must be made, considered and granted or denied pursuant to Section 13.06.030. Such applications must be accompanied by data or information required by the Director. All plans and specifications for the grading of the property must be prepared by a registered civil engineer, sealed and signed in accordance with the Business and Professions Code.
- C. Applications must include all required environmental review forms and information prescribed by the Director.
- D. Within 30 days after acceptance of an application for a zoning permit for surface mining operations and/or a reclamation plan as complete, the Department of Development Services must notify the State Department of Conservation of the filing of the application. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department of Development Services must also notify the State Department of Transportation that the application has been received.
- E. The Department of Development Services will process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the City's environmental review guidelines.
- F. Upon completion of the environmental review procedure and filing of all documents required by the Director, consideration of the zoning permit approval and reclamation plan for the proposed surface mine will be scheduled for public hearing before the City Council, and pursuant to the requirements of SMARA.
- G. Prior to final approval of a reclamation plan, financial assurances (as provided in this article), or any amendments to the reclamation plan or existing financial assurances, the Department of Development Services must submit the plan, financial assurance, or amendments to the State Department of Conservation for review. The City Council may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a zoning permit is being processed concurrently with the reclamation plan, the City Council may also conceptually approve the zoning permit. However, City Council may defer action on the zoning permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the City Council may conditionally approve the zoning permit with the condition that the City Council will not issue the zoning permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances. The State Department of Conservation has 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The Department of Development Services must prepare a written response to the State's comments containing the following, and submit a proposed response to the State Department of Conservation at least 30 days before approval of the reclamation plan, plan amendment, or financial assurance:
1. Describing the disposition of the major issues raised by the State's comments;
 2. Describing whether the City proposes to adopt the State's comments to the reclamation plan, plan amendment, or financial assurance;

3. Specifying, in detail, why the City proposes not to adopt the comments, if the City proposes not to adopt the State's comments;
4. Proving notice of the time, place, and date of the hearing or meeting at which the reclamation plan, plan amendment, or financial assurance is scheduled to be approved by the City.

The Director must send copies of any comments received and response prepared to the applicant.

H. The City Council will then take action to approve, conditionally approve, or deny the zoning permit and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d). The Director must send the State Department of Conservation the final response to the State's comments within 30 days after approval of the reclamation plan, plan amendment, or financial assurance.

I. By July 1st of each year, the Department of Development Services must submit to the State Department of Conservation for each active or idle surface mining operation:

1. A copy of any permit or reclamation plan amendments, as applicable;
2. A statement that there have been no changes during the previous year, as applicable;
3. The date of each surface mining operation's last inspection;
4. The date of each surface mining operation's last financial assurance review pursuant to PRC 2773.1 for each operation.

J. Where any requirement of the reclamation plan conflicts with any requirement of the approved zoning permit, the Director and the City Engineer will determine which requirement applies. (Ord. 564 § 3, 2019)

11.40.625 Standards for reclamation.

A. All reclamation plans must comply with the provisions of SMARA (Section 2772 and Section 2773) and State regulations (CCR Sections 3500—3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, must also comply with the requirements for reclamation performance standards (CCR Sections 3700—3713).

B. The City may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of City performance standards.

C. Reclamation activities must be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation must be specifically described in the reclamation plan and include:

1. The beginning and expected ending dates for each phase;
2. All reclamation activities required;
3. Criteria for measuring completion of specific reclamation activities; and
4. Estimated costs for completion of each phase of reclamation. (Ord. 564 § 3, 2019)

11.40.630 Financial assurances.

A. To ensure reclamation will proceed in accordance with the approved reclamation plan, the City requires as a condition of approval security for the faithful performance of the reclamation. The applicant may pose security in the form of a surety bond, cash deposit, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City Attorney and the State Mining and Geology Board as specified in State regulations, and which the City reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances must be made payable to the City of Santee, the State Department of Conservation, and such other regulatory agencies the City deems necessary.

B. Financial assurances are required to ensure compliance with the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and

water quality, slope stability, erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance must be submitted to the Department of Development Services for review and approval prior to the operator securing financial assurances. The Department of Development Services will forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it will be assumed that the cost estimates are adequate. The City has the discretion to approve the financial assurance if it meets the requirements of this article, SMARA, and State regulations.

D. The amount of the financial assurance must be based upon 100% of the estimated cost of reclamation plus a 10% contingency for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, all new lands to be disturbed by surface mining activities in the upcoming year and areas not successfully reclaimed pursuant to the approved reclamation plan. The estimate must also include any maintenance of reclaimed areas as may be required. Cost estimates must be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director. The estimated amount of the financial assurance must be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with establishing revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan must be based upon cost estimates that include, but may not be limited to, labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

E. In addition to the amount specified in subsection D of this section, the security instrument must provide that in the event suit is brought by the City and judgment recovered, the surety or financial institution must pay, in addition to the sum specified, all costs incurred by the City in such suit including a reasonable attorney's fee to be fixed by the court.

F. In projecting the costs of financial assurances, it must be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

G. The financial assurances must remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any required maintenance and establishment period. Upon completion of the surface mining and reclamation of mined lands in accordance with the approved reclamation plan, including maintenance and establishment periods, all financial assurances will be released, otherwise they must remain in full force and effect.

H. The City will annually review amount of financial assurances required of a surface mining operation for any one year to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances must include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

I. When requested, revised estimates for the financial assurances must be submitted to the Director at the time of filing of the mine operator's annual mining operation report. The estimate must cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. (Ord. 564 § 3, 2019)

11.40.635 Findings for approval.

A. Zoning Permit Approvals. In addition to any other findings required by the City code, zoning permit approvals for surface mining operations must include a finding that the project complies with the provisions of SMARA and State regulations.

B. Reclamation Plans. For reclamation plans, the following findings are required:

1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions.
2. That the reclamation plan complies with applicable requirements of State regulations (CCR Sections 3500—3505, and Sections 3700—3713).
3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with the City's General Plan and any applicable specific plans, resource plan or element.
4. That the reclamation plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
5. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable specific plan or resource plan. (Ord. 564 § 3, 2019)

11.40.640 Modifications.

- A. An approved reclamation plan or any conditions thereof may be revised or modified in the same manner provided for a new zoning permit including the requirement for environmental impact review. All proposed modifications of an approved reclamation plan must be consistent with Section 13.06.030.
- B. Minor amendments to the reclamation plan may be approved by the Director pursuant to Section 13.04.060 where the Director determines that such approval will not result in a substantial change in the finished appearance of the mining site land form, will not increase the impacts on adjacent property, and is otherwise consistent with the intent of this chapter and the State Surface Mining and Reclamation Act.
- C. Notwithstanding the provisions of Section 13.06.030 relative to any modification or revocation of a zoning permit, the City Engineer may modify or add conditions relative to the conduct of grading for the same reasons as specified for grading permits in Article 5 of this chapter. (Ord. 564 § 3, 2019)

11.40.645 Agreements with City required—Borrow pits and quarries.

- A. No surface mining may be conducted pursuant to a zoning permit or pursuant to vested nonconforming rights unless, before beginning grading, an agreement has been entered into allowing City employees to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe conditions, or breach of provisions of the zoning permit and/or reclamation plan. The agreement must specifically authorize the City employees or any person authorized by the agreement to enter the property at any reasonable times for inspection or for the purpose of correcting any unsafe conditions resulting from the breach of any provision of the zoning permit or reclamation plan. The agreement must be executed by the permittee, the owner of the property and by holders, except government entities, of any lien upon the property which could ripen into a fee. The permittee must provide acceptable evidence of title showing all existing legal and equitable interests in the property. The City Engineer is authorized to execute and accept the agreement on behalf of the City. The agreement must be recorded before grading begins pursuant to a zoning permit or reclamation plan.
- B. The agreement required by this section must be secured pursuant to Section 11.40.630 to assure compliance with the agreement. (Ord. 564 § 3, 2019)

11.40.650 Public records.

To the fullest extent authorized by law, reclamation plans, reports, applications and other documents submitted pursuant to this article are public records. An applicant for a permit required by this article may identify information it considers proprietary information. The City will notify the applicant of a request for any information which the applicant marks as proprietary and provide the applicant an opportunity to agree to defend and indemnify the City against any liability or claims, to the satisfaction of the City Attorney, that may arise as a result of withholding such information. The release of public records will be governed by the Public Records Act. Proprietary information will be made available to persons

when authorized by the mine operator and by the mine owner in accordance with Section 2778 of the California Surface Mining and Reclamation Act of 1975. (Ord. 564 § 3, 2019)

11.40.655 Interim management plans.

- A. Within 90 days after a surface mining operation becomes idle, the operator must submit to the Department of Development Services a proposed interim management plan (IMP). The proposed IMP must fully comply with the requirements of SMARA, including, but not limited to, all zoning permit conditions, and must provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP must be submitted on forms prescribed by the Department of Development Services, and will be processed as an amendment to the reclamation plan. IMPs are not considered a project for the purposes of environmental review.
- B. Financial assurances for idle operations must be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP. All financial assurances must conform to Section 11.40.630.
- C. Upon receipt of a complete proposed IMP, the City will forward the IMP to the State Department of Conservation for review at least 30 days prior to approval by the City.
- D. Within 60 days after receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the City will review and approve or deny the IMP in accordance with this chapter. The operator has 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The City will approve or deny the revised IMP within 60 days of receipt.
- E. The IMP may remain in effect for a period not to exceed five years, at which time the City may renew the IMP for another period not to exceed five years and for another five-year period at the expiration of the first five-year renewal period if the City finds that the surface mining operation has complied fully with the IMP, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan. (Ord. 564 § 3, 2019)

11.40.660 Inspections.

As a condition of each zoning permit or reclamation plan, the Department of Development Services will conduct an inspection of the surface mining operation and reclamation activities within six months after receipt of the mine operator's annual report. Inspection will be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as may be determined by the Director. All inspections must be conducted using a form approved and provided by the State Mining and Geology Board. The Department of Development Services will notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted, and forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator is solely responsible for the reasonable cost of such inspection. (Ord. 564 § 3, 2019)

11.40.665 Successors in interest.

- A. The applicant submitting the reclamation plan and financial assurances must execute an agreement in a form acceptable to the City Attorney accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan and conditions of their zoning permit. The applicant must cause the agreement or a notice or memorandum of the agreement to be recorded in the office of the County Recorder and submit a copy of the recorded document to the office of the City Clerk.
- B. Whenever any surface mining operation or portion of an operation subject to this chapter is sold, assigned, conveyed, exchanged or otherwise transferred, the applicant will not be relieved of their obligations under the agreement until such time as their successor in interest executes a replacement agreement and posts substitute securities agreeing to be bound by the provisions of the reclamation plan and conditions of their zoning permit. (Ord. 564 § 3, 2019)

11.40.670 Liability and responsibilities of permittee.

Neither the issuance of a zoning permit or reclamation plan under the provisions of this article, nor the compliance with any provisions or conditions thereof, relieve any person from any liability or responsibility resulting from grading operations as specified elsewhere in this chapter. (Ord. 564 § 3, 2019)

11.40.675 Enforcement of provisions.

The Director is authorized to enforce this article. (Ord. 564 § 3, 2019)

11.40.680 Violations.

If the Director determines that an operator is not complying with the terms and conditions of this chapter, the zoning permit or reclamation plan, the Director is authorized to initiate administrative remedies authorized by this code, and by SMARA, including, but not limited to, PRC 2774.1. The Director may notify the operator of any deficiency. The operator must remedy all deficiencies in the notice within a reasonable time, not to exceed 30 days. If more than 30 days is needed to remedy the noticed violation, the operator may enter into a stipulated order to comply, pursuant to PRC 2774.1, with notice sent to the State Department of Conservation. If, at the end of this period of time the zoning permit or reclamation plan is still not being followed and completed as approved, the Director may pursue any enforcement actions available, including, but not limited to, those actions specified in PRC 2774.1 and in this code. Failure to comply with the terms or conditions of a reclamation plan is a violation of the zoning permit and a public nuisance. (Ord. 564 § 3, 2019)

11.40.685 Appeals.

Any person aggrieved by an act or determination of the City administrators in the exercise of the authority granted in this article has the right to appeal that decision pursuant to Chapter 1.14. (Ord. 564 § 3, 2019)

Article 7. Supervision, Testing, Inspection and Enforcement

11.40.700 City Engineer—Authority.

- A. The City Engineer is authorized to this article, except as otherwise provided.
- B. The City Engineer may establish and implement special inspection requirements and augment resources or expertise as necessary to properly inspect a particular grading project. The permittee who benefits from these special requirements or augmentations must pay the cost of those requirements or augmentations.
- C. Before approving any land development work requiring grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.
- D. After receiving a grading permit, but before any land development work involving grading, brushing or clearing, the permittee must attend a pregrading meeting. Prior to pouring curbs and gutters or placement of base materials, a permittee must attend a prepaving meeting held on the site. The permittee must notify the City Engineer at least two working days prior to the meetings and must notify all principals responsible for grading and paving related operations.
- E. The City Engineer is authorized to inspect land development projects at intervals necessary to determine that adequate inspection and testing is being exercised.
- F. The City Engineer is authorized to inspect all work done in connection with land development to insure compliance with the provisions of this chapter.
- G. The City Engineer is authorized to stop land development being done without a permit until a permit has been obtained, to impose conditions on a permit issued for such work, to require the correction or removal of such work, and to take any other enforcement action authorized by this code or law. (Ord. 564 § 3, 2019)

11.40.705 Liability of City.

Neither the issuance of a permit pursuant to this chapter nor the compliance with this chapter or any conditions imposed pursuant to this chapter relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability on the City for damage to persons or property. (Ord. 564 § 3, 2019)

11.40.710 Supervised or regular grading—Observation required.

- A. All grading, except grading for a borrow pit, in excess of 5,000 cubic yards must be performed under the general observation of and coordination of the civil engineer who prepared or signed the grading plans and is designated “supervised grading.”
- B. Grading not supervised in accordance with this section is designated “regular grading.”
- C. For grading of 5,000 cubic yards or less, the permittee may elect to have the grading performed as either supervised grading or regular grading. (Ord. 564 § 3, 2019)

11.40.715 Regular grading and paving requirements.

- A. The City Engineer is authorized to cause or require regular grading and paving work to be inspected to the extent deemed necessary and is authorized to require inspection of excavations, fills, and compaction control by a soil engineer.
- B. The City Engineer is authorized to require inspections by the soil engineer sufficient to assure the City Engineer that the soil engineer has adequately considered all geologic conditions.
- C. The soil engineer must file a report with the City Engineer assuring the compaction and acceptability of all fills. Where potentially expansive soils are present at either cut or fill grade, the soil engineer must provide written recommendations regarding treatment given or to be given to such soils. (Ord. 564 § 3, 2019)

11.40.720 Supervised grading requirements.

- A. For supervised grading, the permittee must ensure that the civil engineer supervising the grading also supervises and coordinates all field surveys, setting of grade stakes in conformance with the plans, and site inspection during grading operations to assure that the site is graded in accordance with the permit.
- B. The City Engineer is authorized to require a permittee to provide soils reports and geology reports as part of an application for or conditions of a grading permit. In addition to the copies filed with the City Engineer, the permittee must send copies of such reports to the civil engineer supervising the grading.
- C. The permittee must ensure that the soil engineer conducts tests and inspections necessary to assure that the recommendations in the preliminary soils engineering report and paving report incorporated in the grading plan, specifications, or the permit are followed and complies with the requirements of Section 11.40.725. (Ord. 564 § 3, 2019)

11.40.725 Soil engineer—Observation and testing responsibilities.

- A. General. The soil engineer must ensure the following:
 - 1. The ground is properly prepared to receive fills;
 - 2. Proper compaction;
 - 3. Finish slopes are properly stabilized;
 - 4. Buttress fills, where required, are properly designed;
 - 5. Data supplied by the engineering geologist is incorporated into the soils reports;
 - 6. During grading, submit to the permittee and City Engineer copies of all analyses, compaction data, soil engineering and engineering geology recommendations and reports;
 - 7. The standards established in this section are met.

B. When preliminary soils engineering reports are not required, the City Engineer may require inspection and approval by the soil engineer. The soil engineer's responsibility in these cases includes, but is not limited to, approval of cleared areas and benches to receive fill, the compaction and testing of fills and their inspection and approval. The soil engineer must submit a statement that all embankments have been compacted to a minimum of 90% relative compaction or an alternative compaction percentage approved by the City Engineer. Prior to the release of building permits for any given lot or lots, the soil engineer must submit a compaction report to the satisfaction of the City Engineer as evidence that rough grading has been compacted in accordance with the approved preliminary soils engineering report.

C. Density Testing. The soils engineer must ensure field density testing is completed in accordance with the following:

1. All fills must be compacted to a minimum of 90% relative compaction unless the City Engineer approved a lesser density.
2. Field density tests must be performed in accordance with ASTM D1556, or as revised (sand cone test), or equivalent, approved by the City Engineer.
3. Notwithstanding any alternative field density test approved by the City Engineer, at least 25% of the total tests must be by ASTM D1556 to verify the accuracy of the equivalent method.
4. The location of field density tests must comply with the following:
 - a. Field density tests must be distributed within the fill or fill slope surface so that representative results are obtained;
 - b. At least 20% of the required field density tests must be located within three feet of the final slope location and at least one density test must be taken within the outer 12 inches of finished slope face for every 5,000 square feet of slope area.
5. Field density tests must be performed on the basis of at least one test for 1,000 cubic yards of compacted fill and at least one test for each two feet of fill thickness.
6. Additional field density testing must occur in areas of critical nature or special emphasis. Where lower density and very high potential expansion characteristics exist, as determined by the soil engineer, lesser compaction may be granted by the City Engineer upon justification and recommendation by the soil engineer.

D. The soil engineer must test for expansive soils for each building pad within three feet of the finish grade of any land development intended or designed as a location for a building. (Ord. 564 § 3, 2019)

11.40.730 Engineering geologist—Responsibilities.

The engineering geologist is responsible for professional inspection and approval of the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. The engineering geologist must report all findings to the soil engineer for engineering analysis. (Ord. 564 § 3, 2019)

11.40.735 Required inspections.

The permittee must request an inspection by the City Engineer for each item of work listed in this section at the time or stage indicated below. The permittee must request the inspection at least one day before the desired inspection is to occur.

A. Excavation and Fill.

1. Canyon cleanout: after all brush and unsuitable material have been removed and an acceptable base has been exposed, but before any fill is placed;
2. Toe bench and key: after the natural ground or bedrock is exposed and prepared to receive fill, but before fill is placed;
3. Over-excavation: after the area has been excavated but before fill is placed;
4. Excavation: after the excavation is started, but before the vertical depth of the excavation exceeds 10 feet, and every 10-foot interval thereafter;

5. Fill: after the fill has started, but before the vertical height of the fill exceeds 10 feet and every 10-foot interval thereafter.

B. Concrete or Guniting Drainage Devices.

1. Cross Gutter.

- a. Subgrade: after the subgrade is prepared and required reinforcement placed,
- b. Concrete: during concrete placement;

2. Curb and Gutter (Private Property).

- a. Subgrade: after subgrade is made, forms in place, with required reinforcement,
- b. Concrete: during concrete placement;

3. Terrace Drains, Down Drains, Brow Ditches and All Over-Paved Drainage Devices.

- a. Subgrade: after grade is made but prior to placement of welded wire mesh or reinforcing steel,
- b. Reinforcement: after thickness control wire and reinforcing steel or welded wire are in place,
- c. Concrete: during concrete or guniting placement.

C. Drainage Devices other than Concrete or Guniting.

1. Subdrains.

- a. After excavation but prior to placement of filter material and pipe. The subdrain pipe and filter material must be on-site for inspection,
- b. After filter material and subdrain have been placed but prior to covering with backfill;

2. Storm Drains and Inlets.

- a. After placement of storm drains, but prior to covering with backfill,
- b. After placement of inlet forms but prior to pouring concrete;

3. Earth Swales. Prior to rough grading approval.

D. Rough Grading. An inspection must be made when all rough grading is complete and after the City Engineer has reviewed and approved the required reports and the civil engineer has submitted the written report required by Section 11.40.740 indicating substantial conformance to line and grade.

A building permit will not be issued until rough grading has been approved and receipt of the reports required by Section 11.40.740.

E. Irrigation.

1. Pipe Lines and Control Valves. During installation of main and lateral lines, inspections must be made to assure continuous support of all pipe, properly assembled fittings and valve installation, as well as proper backfill procedures.
2. Coverage Test. When the irrigation system is completed, a coverage test must be performed in the presence of the City Engineer or appointed inspector.

F. Planting.

1. General Soil Preparation. After the finish grade has been established and appropriate drainage is accomplished, incorporation of amendments must be inspected. Amendment material must be approved prior to import. Material invoices and/or licensed weighmaster's certificates may be required.
2. Plant Pit Preparation. During the preparation of all plant pits, inspections must confirm standard procedures are followed to maximize the promotion of healthy root development. Material invoices may be required.
3. Staking and/or Guying Procedures. After completion of planting, removal of all nursery stakes, and proper staking and/or guying practices. Inspection of procedures will confirm compliance.

G. Erosion Control Facilities (Rainy season: October 1st through April 1st).

1. After excavation of desilting basins but prior to fill placement, prefabricated devices are to be available on-site for inspection;

2. After fill placement for desilting basins but prior to placement of concrete or other nonerosive materials;
3. After completion of an erosion control system in accordance with an approved erosion control plan and the requirements of the City Engineer.

H. Final Inspection. The permittee must request a final inspection by the City when all work, including installation of all drainage structures, irrigation, slope planting and other protective devices, has been completed and all written professional approvals, certifications and the required reports and as-graded drawings have been submitted. (Ord. 564 § 3, 2019)

11.40.740 Completion of work.

A. Final Reports. After completion of the rough grading work or when land development work under the grading permit is completed, but before approval of the grading or land development work and before release of grading securities or issuance of a notice of completion or certificate of use and occupancy:

1. The permittee must cause the responsible civil engineer to submit to the City Engineer:
 - a. An as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible civil engineer. The as-graded drawings must include the following:
 - i. Original and “as-graded” ground surface elevations, pad elevations, slope ratios and elevations;
 - ii. Locations of all surface and subsurface drainage facilities;
 - iii. Location and scaled sections of all buttress/stabilization fills, subdrains;
 - iv. General location and depth of all areas of removal of unsuitable soil; and
 - v. Landscape and irrigation sheets of the grading plan showing the as-built landscape and irrigation works. The civil engineer must work directly with the landscape architect to complete these as-built drawing sheets.
 - b. Prior to issuance of a building permit, a written statement (rough grading report) signed by the civil engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the City Engineer, and which specifically states the following items were performed under the civil engineer’s supervision, and are shown correctly on the as-graded drawings:
 - i. Staking of line and grade for all engineered drainage devices and retaining walls (rough and final grading);
 - ii. Staking of property corners for proper building and slope location (rough grading);
 - iii. Location of permanent walls or structures on property corners or property lines;
 - iv. Location and slope ratio of all manufactured slopes;
 - v. Construction of earthen berms and positive building pad drainage.
2. The permittee must cause the soil engineer to submit to the City Engineer:
 - a. A final soils engineering report prepared by the soil engineer. The final soils engineering report must include the following:
 - i. Type of field testing performed;
 - ii. compaction reports;
 - iii. Suitability of utility trench and retaining wall backfill;
 - iv. Summaries of field and laboratory tests and other substantiating data;
 - v. Comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report;
 - vi. Identification of each field density test, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described (either ASTM D1556-78 or the approved equal must be noted).

- b. Written approval of the adequacy of the site for the intended use as affected by geologic factors, a statement of compliance to finish slope heights and gradients, and when required by the City Engineer, an as-graded geologic map.
 - c. The utility line backfill report required by Section 11.40.525.
 - d. A final geological report or certification by a certified engineering geologist indicating that all geologic problems identified in the engineering geological report have been addressed.
- B. Notification of Completion. The permittee must notify the City Engineer when the grading operation is ready for final inspection. The City Engineer is not authorized to provide final approval until all work is completed, including, but not limited to, the following:
- 1. All drainage facilities and their protective devices are installed;
 - 2. Irrigation systems are installed and required plantings are established;
 - 3. All erosion control measures are installed in accordance with the final approved grading plan and the as-graded drawings;
 - 4. Required reports and statements of compliance are submitted. (Ord. 564 § 3, 2019)

11.40.745 Notification of noncompliance.

If, in the course of fulfilling responsibility under this chapter, the City Engineer, the soil engineer, the engineering geologist, or the testing agency finds that the land development work is not being performed in accordance with approved plans, specifications or this chapter, the discrepancies must be reported immediately in writing to the grading contractor, the owner, the permittee, and the City Engineer. Recommendations for corrective measures must be submitted for approval by the City Engineer. (Ord. 564 § 3, 2019)

11.40.750 Stopping and correction of work.

- A. The City Engineer is authorized to temporarily suspend all land development or grading work and to suspend a grading permit by issuing a written stop work order in accordance with this chapter, which will remain in effect until the hazard or condition is corrected to the satisfaction of the City Engineer, whenever:
- 1. Field conditions present an immediate hazard or danger to life or property;
 - 2. Work is being done in a hazardous manner;
 - 3. Land development or grading work does not comply with the terms of a grading permit, the approved plans or conditions, or this code;
 - 4. The soil or other conditions are not as stated on the grading permit;
 - 5. The work being done under a grading permit issued for a subdivision or zoning permit is contrary or conflicting with any approved changes and/or modifications made to the originally approved or conditionally approved tentative map or zoning permit subsequent to the issuance of the grading permit;
 - 6. There is lack of supervision of the grading operation, lack of engineering control, lack of soil engineering control or lack of dust or air pollution control;
 - 7. Archaeological or paleontological artifacts or resources are discovered;
 - 8. Violations of the Stormwater Management Ordinance; or
 - 9. For any other reason which in the City Engineer's opinion, presents a threat to the public safety or welfare immediately, or in the future, or which may cause unstable earth conditions.
- B. The owner must furnish any additional information, investigations and reports necessary to resolve the stop work order conditions. The owner must pay for all work associated with furnishing these items, as well as any additional staff time in resolving the stop work order conditions.
- C. The City Engineer may authorize work subject to a stop work order to resume when the City Engineer determines that conditions which required the stop order are remedied or alleviated. (Ord. 564 § 3, 2019)

11.40.755 Revocation of permits.

A. In addition to any other grounds for revocation of a permit provided in this code, the City Engineer may revoke any permit granted under the provisions of this chapter pursuant to the procedures set forth in Chapters 1.08 and 1.14 if the City Engineer determines any of the following:

1. That the permit was obtained by fraud;
2. That one or more of the conditions upon which the permit was granted have been violated;
3. That the permittee failed or refused to correct a deficiency or hazard upon the receipt of written notice and within the time specified in such notice;
4. That the permittee fails or refuses to perform any of the work required, or fails or refuses to conform with any of the conditions or standards established for any subdivision, zoning permit or other approval granted by the City; or
5. That the permittee fails to correct any hazard or condition identified by the notice of revocation.

B. If a permit is revoked, no further work subject to the revoked permit may be done except to correct hazards and to complete any work authorized by the City Engineer or City Council. Every agreement and every security required by this chapter must remain in full force and effect notwithstanding any revocation. (Ord. 564 § 3, 2019)

11.40.760 Denial of further permits.

In addition to any other remedy available for noncompliance with the requirements of this chapter, the City Engineer is authorized to deny issuance of any further permits involving development and use of the property where the violation occurred for up to three years. (Ord. 564 § 3, 2019)

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